

**ADJOURNMENT**

On motion of Senator Brooks, the Senate at 12:01 o'clock p.m. adjourned until 11:00 o'clock a.m. tomorrow.

**APPENDIX**

Signed by Governor  
(February 12, 1985)

**S.C.R. 27**

**H.C.R. 30**

**H.C.R. 39**

**TWENTY-FIRST DAY**

(Thursday, February 14, 1985)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Harris, Henderson, Howard, Jones, Kothmann, Krier, Leedom, Lyon, McFarland, Mauzy, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Washington, Williams.

Absent-excused: Glasgow, Whitmire.

A quorum was announced present.

Senator Kent Caperton offered the invocation as follows:

Dear Lord, we thank You for the many blessings that You've given us. We ask You to be with us on this day and throughout the rest of this Legislative Session. As You know, we need all the help we can get. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**LEAVES OF ABSENCE**

Senator Glasgow was granted leave of absence for today on account of important business on motion of Senator Edwards.

Senator Whitmire was granted leave of absence for today on account of important business on motion of Senator Sharp.

**MESSAGE FROM THE HOUSE**

House Chamber  
February 14, 1985

**HONORABLE W. P. HOBBY**  
**PRESIDENT OF THE SENATE**

**SIR:** I am directed by the House to inform the Senate that the House has passed the following:

**H.B. 2,** Relating to the conservation, development, and protection and enhancement of the quality of, and flood subsidence control for, surface and

underground water and providing various financing mechanisms to finance conservation, development, and protection and enhancement of the quality of, and flood, subsidence control, recharge, and chloride control for, surface and underground water and agricultural soil and water conservation.

H.C.R. 52, Texas in 1986 will celebrate the 150th anniversary of its independence.

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

### REPORTS OF STANDING COMMITTEES

Senator Parker submitted the following report for the Committee on Education:

#### C.S.S.B. 216

Senator Farabee submitted the following report for the Committee on State Affairs:

S.B. 380 (Amended)  
C.S.S.B. 20  
C.S.S.B. 94

Senator Traeger submitted the following report for the Committee on Intergovernmental Relations:

S.B. 257  
S.B. 381

Senator Harris submitted the following report for the Committee on Economic Development:

S.B. 295

### SENATE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions were introduced, read first time and referred to the Committee indicated:

S.B. 439 by Farabee Economic Development  
Relating to the sale of prearranged or prepaid funeral services or funeral merchandise to be delivered at an undetermined future date, to the powers and duties of the Banking Department of Texas and the Banking Commission of Texas, to the handling and disposition of funds; providing penalties; amending Section 1a and Sections 2 through 9, Chapter 512, Acts of the 54th Legislature, Regular Session, 1955, as amended (Article 548b, Vernon's Texas Civil Statutes).

S.B. 440 by Traeger Intergovernmental Relations  
Relating to the governance, territory, and powers of a metropolitan rapid transit authority.

S.B. 441 by Howard Criminal Justice  
Relating to the aggregation of amounts involved in the offense of criminal mischief.

S.B. 442 by Barrientos Finance  
Relating to the powers and duties of the state treasurer in the administration of the cigarette tax.

**S.B. 443** by Barrientos, Krier Intergovernmental Relations  
Relating to the authority of a county to contract with a volunteer fire department.

**S.B. 444** by Sharp, Blake State Affairs  
Relating to the powers and duties of the Railroad Commission of Texas regarding railroad safety and the enforcement of the laws relating to railroads.

**S.B. 445** by Howard State Affairs  
Relating to notice and protest rights of governmental employers assessed potential unemployment compensation contributions.

**S.B. 446** by Howard Intergovernmental Relations  
Relating to the authority of a commissioners court of a county to engage in community and economic development projects.

**S.B. 447** by Mauzy Intergovernmental Relations  
Relating to the composition of the county civil service commission in certain counties.

**S.B. 448** by Brown Criminal Justice  
Relating to eligibility for release on parole or mandatory supervision.

**S.B. 449** by Leedom Intergovernmental Relations  
Relating to the deposit, investment, and management of county funds and to the imposition of certain handling charges involving county funds or funds held in trust by a county or district clerk.

**S.C.R. 50** by Barrientos, Mauzy State Affairs  
Establishing the Select Committee on Pay Equity.

**S.C.R. 51** by Mauzy Jurisprudence  
Granting Brinderson Corporation permission to sue the State of Texas.

#### **HOUSE BILL ON FIRST READING**

The following bill received from the House was read the first time and referred to the Committee indicated:

**H.B. 2**, To Committee on Natural Resources.

#### **CO-AUTHOR OF SENATE BILL 425**

On motion of Senator Truan and by unanimous consent, Senator Uribe will be shown as Co-author of **S.B. 425**.

#### **MESSAGE FROM THE GOVERNOR**

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas  
February 13, 1985

TO THE SENATE OF THE SIXTY-NINTH LEGISLATURE,  
REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

TO BE A MEMBER OF THE PILOT COMMISSION FOR THE PORT OF  
GALVESTON AND TEXAS CITY:

For a term to expire April 15, 1985:

DANIEL PEREZ

39 Lakeview

Galveston, Texas 77551

(Mr. Perez is replacing Mr. Robert Cardenas of Galveston, Galveston County, Texas who resigned.)

Respectfully submitted,

/s/Mark White  
Governor of Texas

**MESSAGE FROM THE LEGISLATIVE AUDIT COMMITTEE**

The following Message from the Legislative Audit Committee was read and was referred to the Committee on Nominations:

Austin, Texas

TO THE SENATE OF THE SIXTY-NINTH LEGISLATURE, REGULAR  
SESSION:

**TEXAS HOUSE OF REPRESENTATIVES  
GIBSON D. (GIB) LEWIS  
SPEAKER**

**February 11, 1985**

Ms. Betty King  
Secretary of the Senate  
P.O. Box 12068  
Austin, Texas 78711

Dear Betty:

The Legislative Audit Committee has completed its search for a new State Auditor and has selected Mr. Lawrence Alwin of Houston. Mr. Alwin has accepted the position effective April 15, 1985. Article 4413a-12, V.A.C.S. requires that the appointment of the State Auditor be certified to the Senate and that the Senate must approve the appointment by a two-thirds vote. Accordingly, by this letter, the Legislative Audit Committee makes the certification to the Senate and requests your favorable action on Mr. Alwin's approval.

We have attached a resume for Mr. Alwin, and should you wish to have him appear before the appropriate Senate committee, you may call him directly or schedule his appearance through Daryl Dorcy in the Speaker's Office.

Sincerely,

/s/Gibson D. (Gib) Lewis /s/William P. Hobby  
Chairman Vice-Chairman  
Legislative Audit Committee Legislative Audit Committee

**SENATE CONCURRENT RESOLUTION 48**

Senator Edwards offered the following resolution:

**S.C.R. 48**, Designating the design incorporated in the sesquicentennial county flag for Falls County as the official county flag for the Texas sesquicentennial.

The resolution was read.

On motion of Senator Edwards and by unanimous consent, the resolution was considered immediately and was adopted.

**GUESTS PRESENTED**

Senator Edwards introduced the designer of the flag, Mrs. Joydelle G. Wolfram. Also introduced were James Monroe Dixon, Ms. Marian G. Gibbs, Judge Burke Kirkpatrick and Dr. and Mrs. James Bussell.

These guests were welcomed by the Senate.

**GUEST PRESENTED**

The President introduced Gene Chambers of Wichita Falls, guest of his and Senator Farabee's.

Mr. Chambers was welcomed by the Senate.

**SENATE RESOLUTION 118**

Senator Barrientos offered the following resolution:

WHEREAS, Since their inception, the Lady Longhorns have consistently ranked in the top 20 in national polls; and

WHEREAS, Consistent crowd pleasers, the Lady Longhorn Basketball Team finished the 1983-1984 season with a No. 1 national ranking; and

WHEREAS, Under the superb coaching and recruiting abilities of Coach Jody Conradt, the Longhorns seem destined to again become the national champions; and

WHEREAS, Besides providing thrills and excitement for their legion of loyal fans, the Lady Longhorns have focused national attention on women's athletics in Texas; and

WHEREAS, Beginning with the passage of Title IX in 1975, women athletes in Texas, and most particularly the Lady Longhorns, have brought pride and honor to the State of Texas; and

WHEREAS, These fine young athletes represent the State of Texas as ambassadors of goodwill and sportsmanship in their travels across the country; and

WHEREAS, It is indeed fitting and appropriate that the Legislature recognize the achievements of the Lady Longhorns as they seek their second consecutive national title; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 69th Legislature, hereby extend sincere congratulations and best wishes for a successful season to Coach Jody Conradt and the Lady Longhorn Basketball Team; and, be it further

RESOLVED, That February 14, 1985 be declared Lady Longhorn Day in Texas; and, be it further

RESOLVED, That copies of this Resolution be prepared for Coach Jody Conradt, her staff, and the members of the Lady Longhorn Basketball Team as an expression of high esteem from the Texas Senate.

The resolution was read and was adopted.

**GUESTS PRESENTED**

Senator Barrientos introduced Coach Conradt and the Lady Longhorns.

The Senate welcomed them and expressed their appreciation.

**SENATE RESOLUTION 119**

Senator Sarpalius offered the following resolution:

**S.R. 119,** Recognizing Weldon H. Davis for his outstanding contributions to our state as an upstanding citizen and to our state's agriculture industry as an active and outstanding agri-businessman.

The resolution was read and was adopted.

#### **GUESTS PRESENTED**

Senator Sarpalius introduced Mr. Davis and his family to the Senate.

The President presented an enrolled copy of S.R. 119 to Mr. Davis.

#### **SESSION TO CONSIDER EXECUTIVE APPOINTMENTS**

The President announced the time had arrived to consider the Executive appointments to agencies, boards and commissions. Notice of submission of these names for consideration was given yesterday by Senator Howard.

Senator Howard moved confirmation of the nominees reported yesterday by the Committee on Nominations.

The President asked if there were requests to sever nominees.

There were no requests offered.

#### **NOMINEES CONFIRMED**

The following nominees as reported by the Committee on Nominations were confirmed by the following vote: Yeas 28, Nays 0.

Absent: Lyon.

Absent-excused: Glasgow, Whitmire.

Members, Lamar University Board of Regents: H. D. PATE, Orange County; REGINA ROGERS, Harris County.

Members, Board of Regents, The University of Texas System: JACK BLANTON, Harris County; SHANNON RATLIFF, Travis County; W. F. RODEN, Midland County.

Judge, 59th Judicial District, Grayson County: JOSEPH MALONE JOINER, Grayson County.

Judge, 357th Judicial District, Cameron and Willacy Counties: MENTON MURRAY, JR., Cameron County.

District Attorney, 33rd Judicial District, Blanco, Burnet, Llano, Marion and San Saba counties: SAM OATMAN, Llano County.

Judge, 92nd Judicial District, Hidalgo County: HOMER SALINAS, Hidalgo County.

Associate Justice, 5th Court of Appeals: ANNETTE STEWART, Dallas County.

Judge, 305th Judicial District, Dallas County: ANNETTE STEWART, Dallas County.

Judge, 352nd Judicial District, Tarrant County: JOHN G. STREET, JR., Tarrant County.

Judge, 355th Judicial District, Hood County: RALPH H. WALTON, Hood County.

Judge, 191st Judicial District, Dallas County: JAMES B. ZIMMERMANN, Dallas County.

Member, Antiquities Committee: DR. WILLIAM CLARK GRIGGS, Harris County.

Members, Advisory Council on Community Affairs: MARIA ANTONIETTA BERRIOZABAL, Bexar County; RICHARD BORCHARD, Nueces County; GARY O. BOREN, Lubbock County; LINDA BRIDGES, Nueces County; BERNARD EADS, Dallam County; VICKI GOMEZ, Ector County; PHYLLIS KITTINGER, Brazoria County; TELLY H. MILLER, Harrison County; IVORY E. MOORE, SR., Hunt County; DAVID OJEDA, JR., Dimmit County; RAYMOND OVALLE, Nueces County; CATHLEEN A. (KITTY) OXFORD, Bowie County.

Executive Director, Criminal Justice Policy Council: RONALD DEAN CHAMPION, Travis County.

Members, Texas Board of Irrigators: HERMAN R. JOHNSON, SR., Nueces County; SAMUEL DALE OUSLEY, Tarrant County.

#### **GUEST PRESENTED**

Senator Sarpalius was recognized and presented Dr. Hugh Wilson of Hale Center, the Capitol Physician for the Day.

The Senate expressed their appreciation to Dr. Wilson.

#### **SENATE RESOLUTION 59 ON SECOND READING**

On motion of Senator Blake and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to consider at this time on its second reading:

**S.R. 59**, Providing for appointment of Subcommittee on Urban Affairs within Intergovernmental Relations Committee and Subcommittee on Elections within State Affairs Committee, 69th Legislature.

The resolution was read second time and was adopted.

#### **COMMITTEE SUBSTITUTE SENATE BILL 70 ON SECOND READING**

On motion of Senator Leedom and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 70**, Relating to the allocation of interest on state funds.

The bill was read second time and was passed to engrossment.

#### **COMMITTEE SUBSTITUTE SENATE BILL 70 ON THIRD READING**

Senator Leedom moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 70** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 2.

Yeas: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Harris, Henderson, Howard, Jones, Kothmann, Krier, Leedom, McFarland, Mauzy, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Williams.

Nays: Lyon, Washington..

Absent-excused: Glasgow, Whitmire.

The bill was read third time and was passed.

**RECORD OF VOTE**

Senator Lyon asked to be recorded as voting "Nay" on the final passage of the bill.

**SENATE BILL 253 ON SECOND READING**

On motion of Senator Farabee and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 253**, Relating to minimum standards for the detention of juveniles and the powers and duties of the Texas Juvenile Probation Commission; amending Subsection (c), Section 51.12, Family Code, as amended, and Section 75.041, Human Resources Code, as added.

The bill was read second time.

Senator Farabee offered the following committee amendment to the bill:

Amend **S.B. 253** on page 1, lines 13 and 14 by reinserting the stricken language.

The committee amendment was read and was adopted.

On motion of Senator Farabee and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

**SENATE BILL 253 ON THIRD READING**

Senator Farabee moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 253** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Glasgow, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Glasgow, Whitmire.

**SENATE BILL 38 ON SECOND READING**

On motion of Senator Sarpalius and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 38**, Relating to challenging potential jurors for cause on grounds of certain misdemeanor theft convictions or accusations.

The bill was read second time and was passed to engrossment.

**RECORD OF VOTE**

Senator Jones asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

**SENATE BILL 38 ON THIRD READING**

Senator Sarpalius moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 38** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 3.

Yeas: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Harris, Henderson, Howard, Kothmann, Krier, Leedom, Lyon, McFarland, Mauzy, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Williams.

Nays: Jones, Montford, Washington.

Absent-excused: Glasgow, Whitmire.

**LEAVE OF ABSENCE**

Senator Farabee was granted leave of absence for the remainder of today on account of important business on motion of Senator Jones.

The bill was read third time and failed final passage by the following vote: Yeas 14, Nays 14.

Yeas: Barrientos, Brooks, Caperton, Edwards, McFarland, Mauzy, Parker, Parmer, Sarpalius, Traeger, Truan, Uribe, Washington, Williams.

Nays: Blake, Brown, Harris, Henderson, Howard, Jones, Kothmann, Krier, Leedom, Lyon, Montford, Santiesteban, Sharp, Sims.

Absent-excused: Farabee, Glasgow, Whitmire.

The President stated he would vote "Nay" on the final passage of the bill.

**COMMITTEE SUBSTITUTE SENATE BILL 108 ON SECOND READING**

On motion of Senator Sarpalius and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 108**, Relating to the disposition of the proceeds, and the interest on the proceeds, from the sale of a county hospital.

The bill was read second time and was passed to engrossment.

**COMMITTEE SUBSTITUTE SENATE BILL 108 ON THIRD READING**

Senator Sarpalius moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 108** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Washington.

Absent-excused: Farabee, Glasgow, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0.

Absent-excused: Farabee, Glasgow, Whitmire.

**SENATE BILL 350 ON SECOND READING**

On motion of Senator Sharp and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 350**, Relating to the issuance of bonds, including the issuance of bonds in book-entry form, by or on behalf of governmental entities.

The bill was read second time.

Senator Howard offered the following amendment to the bill:

Amend **S.B. 350** by amending SECTION 1 to read as follows:

"Sec. 12. When the governing body of any issuer provides in the resolution, order, ordinance, or other proceedings authorizing the issuance of any bond or bonds for a pledge or lien on taxes, revenues, income, or other resources of the issuer, or the assets of the issuer, or any fund maintained by the issuer to secure the payment of the bonds or to secure payments required by a credit agreement, such pledge or lien shall be valid and binding in accordance with its terms without further action on the part of the issuer and without any filing or recording with respect thereto except in the records of the issuer. All such liens and pledges shall be effective from the time of payment for and delivery of the bonds until the bonds or other payments have been paid or payment of the bonds has been provided for and shall be fully effective as to items then on hand and thereafter received, and said items shall be subject to such liens or pledges without any physical delivery thereof or further act. Nothing contained in this section shall relieve any issuer of any obligation to file or record any lien on realty or to submit any bond issue for approval by the attorney general and registration by the comptroller of public accounts. This Act does not affect a restriction imposed by the Local Sales and Use Tax Act (Article 1066c, Vernon's Texas Civil Statutes) on a pledge of or lien on sales or use tax revenue."

The amendment was read and was adopted.

On motion of Senator Sharp and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

**SENATE BILL 350 ON THIRD READING**

Senator Sharp moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 350** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Washington.

Absent-excused: Farabee, Glasgow, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0.

Absent-excused: Farabee, Glasgow, Whitmire.

**MEMORIAL RESOLUTIONS**

**S.R. 115** - By Montford: Memorial resolution for Neal H. Rose.

**S.R. 116** - By Montford: Memorial resolution for Fred O. Senter, Jr.

**S.R. 117** - By Montford: Memorial resolution for Professor Paul J. Woods.

**WELCOME AND CONGRATULATORY RESOLUTIONS**

**S.R. 114** - By Washington: Expressing sincere appreciation to Mrs. Emily Ettling.

**S.R. 120** - By Santiesteban: Extending congratulations to Laura Martinez-Herring, Miss Texas, USA.

**ADJOURNMENT**

On motion of Senator Brooks, the Senate at 11:52 o'clock a.m. adjourned until 11:00 o'clock a.m. Monday, February 18, 1985.

**APPENDIX**

Sent to Governor  
(February 14, 1985)

**S.C.R. 21**

**S.C.R. 25**

**TWENTY-SECOND DAY**  
(Monday, February 18, 1985)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Krier, Leedom, Lyon, McFarland, Mauzy, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Washington, Whitmire, Williams.

Absent-excused: Uribe.

A quorum was announced present.

Senator Roy Blake offered the invocation as follows:

Heavenly Father, we pause to thank Thee for the beautiful weekend that we had. We ask that You would be with us as we begin a new week for the people of Texas. Be with us as we deliberate on the bills that affect the lives of each of us. Guide and direct us, forgive us of our sins, for we ask these things in Thy name. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of Thursday, February 14, 1985, was dispensed with and the Journal was approved.

**LEAVE OF ABSENCE**

Senator Uribe was granted leave of absence for today on account of important business on motion of Senator Edwards.